

#### **IV. B. 26. Solid Waste**

- a) Background. Proper solid waste disposal, as with clean air and safe drinking water, is a necessary service based on current solid waste treatment and disposal technologies and must be properly transported, contained, and located. Locations and capacities of solid waste landfills are largely controlled by State and local governments while the determination of the technical definition of what constitutes “solid waste” is regulated by the U.S. Environmental Protection Agency (EPA). “Solid waste” falls under the least restricted category of wastes as classified by the EPA from most to least immediately detrimental to the environment:

Hazardous waste:	(toxics, ignitables, explosives, corrosives, biological hazards, radioactives, and others)
Special waste:	(certain less hazardous petrochemicals, asbestos, and others)
Solid waste:	(all other waste streams)



Some critical solid waste factors involved with prospective Rural Development projects consist of: (1) proper construction of solid waste landfills; (2) undesirable location next to or near solid waste landfills; and (3) excessive development using the services of solid waste landfills. These aspects should be analyzed as follows:

- (1) Construction should be in strict accordance with applicable EPA, State, and local requirements;
- (2) Siting should be in accordance with National Environmental Policy Act (NEPA) criteria for public involvement and notification as well as Executive Order 12898 requirements for “Environmental Justice”; and



- (3) Distances to and potential capacity impacts on existing solid waste facilities should be reasonable.

Rural Development personnel involved with loanmaking should endeavor to properly identify and analyze all such issues as appropriate.

b) Governing Regulations.

(1) Federal.

- (A) Resource Conservation and Recovery Act of 1976, as amended.
- (B) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- (C) Federal Insecticide, Fungicide, and Rodenticide Act.
- (D) Atomic Energy Act of 1954, Section 274 U.S.C.
- (E) U.S. Executive Order 11514, Protection and Enhancement of Environmental Quality.
- (F) National Environmental Policy Act, 42 U.S.C. 4321.
- (G) Title 7, Part 1b and 1c, Code of Federal Regulations, U.S. Department of Agriculture's National Environmental Policy Act.
- (H) Executive Order 12898, "Environmental Justice".

(2) State.

- (A) Title 25, Article 8, Colorado Revised Statutes 1973, as amended, the Colorado Water Quality Control Act.
- (B) Title 25, Article 1, Colorado Revised Statutes 1973, as amended.
- (C) Colorado Solid Waste Act, Section 30-20-101 et seq., Colorado Revised Statutes, and implementing regulations, 6 CCR 1007-2.
- (D) Colorado Hazardous Waste Act, Section 25-15-101 et seq., Colorado Revised Statutes.
- (E) Colorado Radiation Control Act, Section 25-15-101 et seq., Colorado Revised Statutes.



- c) Policy. Uncontrolled waste sites present environmental risks, requiring management to prevent serious degradation of air, water, soil, etc. Hazardous wastes such as toxic substances, caustics, pesticides, flammables, corrosives, explosives, and radioactive wastes should be disposed of properly. (Reference Section 28 of this Guide regarding hazardous waste materials.) Additionally, non-hazardous waste materials should also be disposed of in an environmentally sound manner

Federal Objective. The U.S. Environmental Protection Agency has been charged with the federal responsibility for controlling and eradicating solid waste problems under Subtitle D of the Resource Conservation and Recovery Act. EPA has promulgated standards for existing and new municipal solid waste landfills thus regulating all aspects of materials permitted to be disposed of in this manner.

State Objective. The State of Colorado is required by federal legislation to develop and implement municipal waste disposal plans as part of its waste management strategy for the State. This is administered by the Colorado Department of Public Health and Environment which requires permitting for the lawful disposal of any waste, whether toxic, radioactive, hazardous or not.

Rural Development Objective. Rural Development should not authorize, fund, or carry out any proposed action which would adversely affect the public health or environment through an illegal procedure or otherwise undesirable aspect of waste management. Whenever a proposed action is determined to have the potential for impacting a Federal or State controlled waste management plan, the Colorado Department of Public Health and Environment should be consulted as early in the environmental impact analysis process as possible to evaluate the possible consequences and protection requirements concerning the action.

Additionally, Rural Development employees should attempt to insure the siting of such facilities is in accordance with National Environmental Policy Act (NEPA) criteria for public involvement and notification as well as Executive Order 12898 requirements for "Environmental Justice.

- d) Classification. Federally regulated waste streams fall into four general categories (radioactive waste, hazardous waste, special waste, and solid waste) of which "solid waste" may be considered the least dangerous. Solid waste designated for disposal is divided into two categories:

- (1) Permitted.
- (2) Not permitted.

- e) Agency Jurisdiction:

- (1) Federal.



The U.S. Environmental Protection Agency (EPA) oversees the State of Colorado's solid waste management activities via the Pollution Prevention Program and Hazardous Waste Division within its Region VIII office which focus on specific federal legislation which has been promulgated in this area. The EPA contact is:

U.S. Environmental Protection Agency  
Region VIII Office  
RCRA Program Management Unit  
(8P-HW)  
999 18th. Street  
Suite 300  
Denver, Colorado 80202-2466

Contact: Tom Burns, Chief, RCRA Program Management Unit @  
(303) 312-6425 or 1-800-227-8917 ext. 6425

[http://www.epa.gov/region08/land\\_waste/rcra/rcracontact.html](http://www.epa.gov/region08/land_waste/rcra/rcracontact.html)

(2) State.

The Hazardous Materials and Waste Management Division regulates solid waste management, treatment, and disposal facilities and hazardous waste generation, storage, transportation, treatment, and disposal. The Division assists in the cleanup of hazardous waste sites under the Superfund Program, and encourages "Brownfields" redevelopment through implementation of the Voluntary Cleanup and Redevelopment Act. The Division also provides technical assistance to the regulated community and to local agencies that must handle waste management issues and releases.

The CDPHE contact is:

Colorado Department of Public Health and Environment  
Hazardous Materials and Waste Management Division  
4300 Cherry Creek Drive South  
Denver, Colorado 80246

Contact: (303) 692-3300  
(888) 569-1831 Customer Technical Assistance Line ext. 3320

<http://www.cdphe.state.co.us/hm/hmhom.asp>

- f) Location of Resource. Waste management resources vary from location to location and case-by-case based on local geological, pollution, and other constraints/issues. Local municipalities and the EPA and CDPHE should be directly contacted regarding specific issues within potential project impact areas.

- g) Other References.



- (1) U.S. Environmental Protection Agency. Office of Solid Waste, home page  
(Web-site)  
<http://www.epa.gov/epaoswer/osw/rrr.htm>
- (2) Marshall Brain's How Stuff Works. "*How Landfills Work*"  
(Educational web-site discusses the function and operation of a solid waste landfill)  
<http://www.howstuffworks.com/landfill.htm>